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REMARKS

Reconsideration of the above referenced application in view of the following remarks is requested. In the Specification, a paragraph on page 6 (lines 12-16) in the specification and a paragraph on page 7 (lines 16-19) have been amended to correct editorial errors. In the Claims, claims 1, 10, 11, 21, 22, and 24 have been amended; and claims 6, 9, 16, 19 and 20 were previously cancelled. Existing claims 1-5, 7, 8-15, 17, 18 and 21-24 (as amended) remain in the application. Please note that the attorney prosecuting this application has been changed.

ARGUMENT

Double Patenting

Claims 1-5, 7, 8, 10-15, 17, 18, and 21-24 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending Application No. 10/809,970.

In response, a terminal disclaimer in compliance with 37 CFR 1.321(c) is enclosed with this amendment to overcome this provisional rejection based on non-statutory obviousness-type double patenting.

Claim Rejections – 35 U.S.C. § 103

Claims 1-4, 10-14, and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,185,692 granted to Wolford (hereinafter Wolford) in view of Barr et al., US Patent Application Publication US 20050044442 (hereinafter Barr).

Claim 1, as currently amended, is as follows (emphases added),

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"a variable speed bus, *the variable speed bus initialized with a first clock frequency;*

a first unit coupled to the variable speed bus, *the first unit having a first rate of requests to access the variable speed bus;*

a second unit coupled to the variable speed bus, *the second unit having a second rate of requests to access the variable speed bus;* and

an arbitration and bus clock control unit to *monitor the first access request rate from the first unit and the second access request from the second unit, and to determine a second clock frequency for the variable speed bus based on at least one of the first access rate and the second access request rate.*"

Wolford does not teach or suggest at least at least the above emphasized portions of currently amended claim 1. Wolford does describe a data processing system including a bus, one or more loads coupled to the bus, and a clock generator, and the clock generator dynamically sets the clock frequency for the bus in response to the number of loads coupled to the bus (see Abstract; Fig. 1; col. 3, lines 6-19, 37-42; col. 4, lines 6-12, 34-41 and 62-66 of Wolford). However, Wolford only describes change the bus clock frequency based on the number of loads coupled to the bus whether the loads are active or idle. Wolford does not describe an arbitration and bus clock control unit that monitors the rates of requests to access the bus from various loads and determines a new clock frequency for the bus *based on the rates of requests to access the bus*. Also Barr was not cited to cure the deficiencies described above for Wolford and Applicant submits that Barr does not cure those deficiencies. As a result, the combination of Wolford and Barr does not teach or suggest all of the limitations

recited in currently amended claim 1. Claim, as currently amended, is thus patentable over Wolford in view of Barr.

Independent claim 10 includes similar limitations to those emphasized for claim 1 above. In particular, to "adjust a clock frequency associated with the variable speed bus *based on the rate of request to access the variable speed bus from the device*." See claim 10 as currently amended (emphasis added). Thus, the combination of Wolford and Bar does not teach of suggest at least this particular limitation in claim 10. Claim 10, as currently amended, is patentable over Wolford in view of Barr.

Because independent claims 1 and 10 (as currently amended) are now patentable over Wolford in view of Bar, all of the claims that depend therefrom (i.e., claims 2-5, 7, 8, 21-23 and claims 11-14, 15, 17, 18, 24; respectively) are also patentable over Wolford in view of Barr. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejections of claims 1-4, 10-14, and 21-24 over the combination of Wolford and Barr be withdrawn.

Claims 5, 7, 8, 15, 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolford in view of Barr, and further in view of common knowledge in the data processing art at the time of the invention.

As mentioned above, the combination of Wolford and Barr does not teach or suggest all of the limitations recited in currently amended independent claims 1 and 10. The common knowledge in the data processing art was not cited to cure those deficiencies in Wolford and Barr. Because claims 5, 7, 8 depends from independent claim 1 and claims 15, 17, and 18 depends from independent claim 10 and because

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independent claims 1 and 10, as currently amended, are patentable over Wolford in view of Bar, and further in view of common knowledge in the data processing art, claims 5, 7, 8, 15, 17 and 18 are thus patentable over Wolford in view of Bar, and further in view of common knowledge in the data processing art. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejections over Wolford in view of Bar and further in view of common knowledge in the data processing art of these claims be withdrawn.

CONCLUSION

Based on the foregoing, it is submitted that that all active claims are presently in condition for allowance, and their passage to issuance is respectfully solicited. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-1700. Entry of this amendment is respectfully requested.

Respectfully submitted,

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